

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare – Vizianagaram District – Revision Petition filed Under Section 6 of A.P.S.A.L.T.R 1959, by Sri G. Venu S/o Sundaranarayana R/o Gummalakshmipuram against the orders of the Agent to Government, Vizianagaram in ALTR1/2000 dt:26-7-2000.- Dismissed-Orders - Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms.No. 215

Dated:20-11-2008.

Read the following:

1. From Sri V.S.R. Murthy, Counsel for the petitioner Revision Petition dt:8-10-2000.
2. Government Memo No.16073/LTR2/2000-1, dt:23-10-2000.
3. From the Special Deputy Collector (TW), Elwinpeta in Rampachodavaram No:22/2000, dt:6-2-2001.
4. From the Collector, Vizianagaram in L.Dis No:3754/2001/F3 dt:20-2-2001 and 10-8-2001.
5. Government Letter No:16073/LTR2/2000, dt:17-10-2001, 29-1-2002, 7-2-2004, 5-3-2005, 3-4-2007 and 8-6-2007.
6. Government Telegram No.16073/LTR2/2000 dt:21-3-2007.

ORDER:

In the reference 1st read above Sri G. Venu S/o Sundaranarayana has filed a Revision Petition before the Government against the orders of the Agent to Government in ALTR 1/2000 dt:26-7-2000 in respect of Lands covered in Sy. No.43/1 measuring Acres 0.05 cents in Elwinpeta (V) of Gummalakshmipuram (M), Vizianagaram District. The main grounds of the appellant in the Revision Petition among others are that:-

1. He purchased house constructed in 5 cents of land situated in Sy. No.43/1 at Elwinpeta (V) of Gummalakshmipuram (M) by investing his hard earnings and he has no other building except the building in question.
2. He purchased the same with bonafide impression from non-tribal. He is paying the tax regularly in panchayat.
3. The 1st respondent ought to have seen that the transfer in favour of the petitioner in respect of the house property is not null and void.
4. The respondents ought to have seen that the alleged assigning in the year 1977 is not at all correct.

2. The case was initiated suomotto by the Special Deputy Collector (TW), Elwinpeta (V) as there was reason to believe that Sri G. Venu (respondent) is a non-tribal possessed land measuring Acres 0.05 cents in Sy. No.43/1 of Elwinpeta (V) by purchasing it from another non-tribal i.e. Sri Mukhi Gopinadham S/o Sanyasappanna by an unregistered document for an amount of Rs.1,900/- on 12-3-1984. The Special Deputy Collector (TW), Elwinpeta ordered and decreed ejectment of the respondent from the schedule mentioned land under section 3 (2) (a) of the said Regulation, and further, ordered that the land after ejecting the respondent be taken possession be assigned to the eligible member of schedule tribe, as the assignee (D.Pattadar) violated the conditions of the D.Patta granted to her and land Transfer rules by colluding with non-tribals vide O.P.No.6/96, datged 25-11-1999. Aggrieved by the order of the Special Deputy Collector (TW), Elwinpeta Sri G. Venu had filed an appeal before the Agent to Government. The Agent to Government, Vizianagaram held that the appellant failed to adduce any evidence to the effect that the scheduled property was acquired by him through a member not belonging to a scheduled tribe prior to 1917 and that a transfer has been made to the Sri G.Venu (Appellant) by a member of scheduled tribe which is null and void under section 3(1) (a) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 read with Regulation 1/70. The Agent to Government after taking into consideration of all the merits and demerits of the case, upheld the orders of the lower court passed in O.P No.6/96, dt:25-11-1999 of the Special Deputy Collector (TW), Elwinpeta, and dismiss the appeal in ALTR No.1/2000, dt:26-7-2000. Aggrieved by the orders of the Agent to Government filed Revision Petition before the Government.

3. In the reference 2nd read above, the Agent to Government, Vizianagaram was requested to furnish parawise remarks and case records and the same were furnished in the reference 3rd read above. After examination of the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 29-10-2001 due to several reasons the case was post poned and finally heard on 16-6-2007. Both the petitioner and his counsel were absent every time.

4. Government after careful examination of the material evidence on record observed that :

- a. Sri G.Venu S/o Sunderanarayana R/o Gummalakshmipuram appeared before the Special Deputy Collector (TW), Elwinpeta on 2-7-1996 in O.P No.61/96 and deposed that he purchased the land from sri Mukhi Gopinadham S/o Late Sanyasappanna (non-tribe) for an amount of Rs.1,900/- on an unregistered sale deed dt:12-3-1984 and did not produce any documentary evidence to establish his claim over the land.
- b. He himself agreed that he purchased the land from another non-tribal on an unregistered sale deed dt:12-3-1984 i.e. after Regulation 1/70 came into force.
- c. The contention that the transfer of house property in favour of petitioner is not null and void and the alleged assignment in the year 1977 is not at all correct.
- d. The land was originally assigned to Smt. Bothada Mutyalu W/o Rama Rao tribal by the then Tahsildar, Kurupam in the year 1977 which was sold to Ernakula Narayananamma W/o Bhujanga Rao (non-tribe) and Narayananamma sold to Mukhi Gopinadham and in turn to Gulivandala Venu i.e. Revision Petitioner.
- e. The petitioner is being a Non-Tribal purchased the land from another Non-Tribal which is contrary to the provision of Section 3 (1) (a) of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 read with Regulation 1/70. The assignee i.e. Smt.Bothada Mutyalu violated conditions of the 'D' form patta granted to her.

5. Government after careful examination of the case records find no reason to interfere with the orders of the Agent to Government, Vizianagaram in ALTR 1/2000 dt:26-7-2000 and accordingly dismiss the Revision Petition.

6. The Collector, Vizianagaram / Agent to Government, **Vizianagaram** is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)
A.K.TIGIDI,
Prl. Secretary to Government.

To

The Collector, Vizianagaram.

(With RPAD of the following records)

1. ALTR No.1/2000 containing NFP-8 and CFP-78 total 86 pages only.

The Agent to Government, Vizianagaram.

The Special Deputy Collector (TW), Elwinpeta, Vizianagaram.

Sri V.S.R. Murthy, Advocate,

D.No.3-4-526/20, Street No.10, Opp: Bank of Baroda,
Barkatpura, Hyderabad.

Sri Gulivindala Venu S/o Sunderanarayana
R/o Gummalakshmipuram, Vizianagaram.

Copy to P.S to M (TW&RAID).

SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER